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COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: SCOTT BLOCH

Tuesday, March 4, 2008

Washington, D.C.

The interview in the above matter was held at Room 2157,
Conference Room J, commencing at 10:00 a.m.

Appearances:

For COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM:

DAVID LEVISS, MAJORITY SENIOR INVESTIGATIVE COUNSEL

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For THE WITNESS:

PAUL J. ORFANEDES, ESQ.

JUDICIAL WATCH

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Mr. Leviss. This is a transcribed interview of the Honorable Scott Bloch by the Committee of Oversight and Government Reform. The interview is being conducted by joint request of Chairman Waxman and Ranking Member Davis to examine reports that in December of 2006, Mr. Bloch directed nongovernment personnel to delete files from one or more government computers in the Office of Special Counsel. Would the witness please state your full name for the record.

Mr. Bloch. Scott J. Bloch.

Mr. Orfanedes. We did want to put on the record that we have reviewed your rules and we understand that in the normal course, you do not provide transcripts. However, we would request as a courtesy that a transcript would be provided to us in this instance. And we are also concerned because of the fact that certain information about this matter has appeared in the press that in case something were to come out as to what was said during this interview, that we have an opportunity to have a transcript. So we would respectfully ask that a transcript be made available to us.

Mr. Leviss. Well, we will not release a copy of the transcript to the witness or counsel unless or until it's publicly released by the Committee. But you will both have the opportunity to come in and review the transcript. And if you feel that there

are any mistranscriptions or any errors that need to be addressed, you'll have the opportunity to submit that.

Mr. Orfanedes. Okay. We appreciate that, but at the same time we still request that a transcript be made available to us to take with us.

Mr. Leviss. Okay. We've heard your request. It's unlikely that that will be granted, but I'll take it back to the Chairman.

Mr. Orfanedes. Very good.

Mr. Leviss. On behalf of the Committee on Oversight and Government Reform, I thank you for joining us today. My name is David Leviss. I'm a senior investigative counsel with the majority staff of the Committee. I'm accompanied today by Kristin Amerling, who is chief counsel with the majority. Also present are minority counsel. Why don't you all identify yourselves for the record.

Mr. Brosnan. John Brosnan, minority counsel.

Mr. Castor. Steve Castor, minority counsel.

Mr. Ausbrook. Keith Ausbrook, general counsel for the Republicans.

Mr. Leviss. We're also joined today by personal counsel for Mr. Bloch. And I would appreciate it if you would state your name and firm for the record.

Mr. Orfanedes. Paul Orfanedes with Judicial Watch.

Mr. Leviss. Before we begin the interview, I would like to go over some standard instructions and explanations we have. I'll

begin the interview by asking you questions for approximately an hour. My colleague may also ask questions during this time. After that period of time the minority will have the opportunity to proceed and ask questions for about an hour as well and then we will alternate rounds as necessary to complete the interview. An official House reporter will be taking down everything we say and will make a written record of the interview, so it's important that you provide verbal audible answers to all questions.

It's also important that we not talk over each other, so please wait until the questioner has finished a question before beginning your answer, and we, in turn, will try to wait until you've completed your answer before starting the next question. Is all that clear?

Mr. Bloch. What you've stated is clear, although I don't necessarily agree with it.

Mr. Leviss. You don't agree with it?

Mr. Bloch. I think this was set for an hour and a half, 10:00 to 11:30. That's what was agreed upon.

Mr. Orfanedes. That's right. I think that's when it was originally scheduled. It was supposed to be from 10:00 to 11:30.

Mr. Bloch. I have a place to be by noon. I'm just saying that's what I understood. I'm not disagreeing with you, I'm not trying to be uncooperative. I'm simply telling you that's what I was told and I said I agree to that, that's great, let's do it.

Mr. Leviss. That wasn't my understanding going into this.

We would certainly want the minority to have the same amount of time as the majority has to question you. We'll try to do this as efficiently as possible. I have no need to waste anybody's time and I'm sure they don't either.

Mr. Bloch. I understand.

Mr. Leviss. You are, of course, required by law to answer questions from Congress truthfully. If you fail to answer questions truthfully, you could be subject to criminal prosecution. Is there anything that would prevent you from answering questions truthfully today?

Mr. Bloch. No.

Mr. Leviss. Do you understand all of the instructions I've given you?

Mr. Bloch. Yes.

EXAMINATION

BY MR. LEVISS:

Q Let's proceed to the substantive questions. In December of 2007, this past December, several newspapers reported that one year previously in December of 2006, you had hired or your office had hired an outside IT services company called Geeks on Call to -- the report said to scrub the hard drive of your computer at the Office of Special Counsel, as well as the hard drives of lab top computers used by two of your aids. You discussed these alleged actions in a letter dated February 6, 2008 to Chairman Waxman and Ranking Member Davis. I have some questions about the

incident and others like it if there were any others like it, and that's where I'm going to begin.

When did you first approach Geeks on Call to provide services to government computers?

A Well, I had written a letter to the Committee dated, I think I have it here, I would like to enter it into the record if I could.

Q Your February 6th letter?

A Yes.

Q That will be fine. Let's call this Exhibit 1.

[Bloch Exhibit No. 1
was marked for identification.]

Mr. Bloch. And that letter basically describes my involvement in and knowledge of the incident. And I would rely on that as the best recollection, best representation of what happened.

Mr. Castor. I brought some extra copies here, Dave. We can pass them around so everyone can have one.

Mr. Bloch. So as I reflected in the letter, I did not call Geeks on Wheels, or whatever they're called, and did not have any interaction with hiring them personally. But in response to a government computer problem I was having, consulted my IT staff. They could not solve the problem. I talked with my administrative staff, talked around and asked around about solutions to what I perceived to be and maybe others perceived to be a security

problem, a hacking problem or a virus of some kind a corruption of my computer that was creating a lot of odd bizarre effects that I've described in the letter, that, you know, we would need somebody else to come in who could take care of the problem.

And I was given a name and a phone number which I passed on to my administrative people who do the contracting. I didn't know the name of the company. That's all I knew, was that this would solve a problem or could potentially solve the problem that I was having, get rid of whatever was on the computer that was creating the corruption and try to save the files and resolve this problem. And so that's how it came about.

Now, I was surprised to learn there was a company called Geeks on Wheels. Literally the first time that I ever knew their name or the existence of invoices that I remember was when a reporter brought it up, didn't show them to me, but said had been shown to them by the investigators or attorneys with OPM. That's the first I knew of it, Geeks.

BY MR. LEVISS:

Q So I want to sort of unpack the story a little bit. But someone gave you a name and it was not the name of the company but rather the name of an employee or individual with Geeks on Call?

A It wasn't represented -- I'm sorry I didn't mean to interrupt you.

Q Sure. As I'm understanding you today, somebody gave you the name of an individual who they felt was equipped to address

the problem with your computer?

A That's right.

Q And didn't identify where this person was from or whether they represented a company or anything else?

A I don't remember the specifics. I know I wasn't told it was Geeks. I was just told this person is an expert, knows how to take care of this, dealt with my problems, yada, yada, yada.

Q Who is it that gave you the name?

A I would rather not bring them into this. They don't work in the government. It was just someone I know who had a similar kind of problem. I just don't feel it's relevant or appropriate for me to drag in a member of the private sector.

Q What made you reach out to this member of the private sector?

A Well, it wasn't just a reaching out, it was just in discussions I was frustrated talking to this person, friend, and they said they had similar kind of problems.

Q Let's get to when you first had a problem with your computer.

A Okay.

Q You say in the letter that was in November, is that right?

A Yeah, I said in or about, because I can't tell you specifically if it started in October or November, but it was some time before the crash occurred. And I believe the crash occurred

in November, late November. As I recall it, it was some time either right before Thanksgiving or right after. But that's just, you know, my general recollection.

Q And was that the first time that you recall having problems with your government computer?

A Of that nature, yes. I mean, I obviously had normal issues that happened from time to time, having to restart, get the tech people in, you know, to put things in to protect it or figure out how to reboot or things like that. But in terms of having a computer get corrupted or appear to be having a virus or a hacking or something going on, that's very odd, and, you know, something like out of a spy novel; no, I had no problems with the computers like that ever.

Q Is this the only time that you're aware of that nongovernment personnel were brought in to service OSC computers?

A I believe either right before I arrived or after there were some contractors brought in to work on OSC computer systems to establish certain document control programs and a thing we have called OSC 2000, which is our, to the best of my knowledge or way of describing it would be a document control system. And there may have been other times they came back in to reservice it. But I'm not aware of that and I didn't commission it.

Q Were you involved in the process of bringing those outside contractors in?

A No.

Q Have you had any other occasion where you have asked that nongovernment personnel be brought in to service your computer?

A None that come to mind. I don't think so. But, you know, it's possible that they were hired by the contracting people or the IT people without my knowledge or specific involvement.

Q When you started having these problems with your -- it was your laptop computer, right?

A Yes.

Q In November of 2006, who initially diagnosed the problems?

A I don't remember the specific individual. It would have been our IT unit, which is headed by Wing Leung L-E-U-N-G. And he has a number of people who work under him. So it could have been any one of them or all of them at one time or another got involved in coming up because the boss has a crisis or whatever.

Q Sure. And who concluded that it was a virus that was the problem?

A Well, I don't know that anyone has ever concluded one way or the other exactly what it was. I don't know, you know, all of the ins and outs of computer problems. I suspected, as did other people, that it could have been a virus that corrupted my computer or it could have been hacking or it could have been some kind of corrupted files that replicated, or I don't even know how that works.

I used the term "virus" as a kind of generic term for when these sorts of odd things happen and your computer starts shutting down or losing files and corrupting of files to be a virus, but I don't really know the ins and outs, you know, of what everything is. And I think that I just use it as a shorthand, others may have suggested the term. As I had stated in the letter I did express concerns to people about security problems and hacking because of the way it was happening. It was not just, gosh, the computer isn't working well today. It was, you know, flashing and suddenly shutting down, e-mails bouncing back, e-mails disappearing, you know really weird stuff that I've never experienced before.

Q How long was this going on, these problems?

A I think, as I said, something like a month. It could have been in October that I first was asking why is this happening. And they were trying to -- they were coming up, you know, every week or maybe even every other day to try to deal with the problem. Didn't know what it was, thought they solved it and the next day the same thing would happen or something even weirder would occur. And so they would come back up scratch their heads -- again, I don't mean to be disrespectful. I don't mean they were scratching their heads literally, but not sure what was going on.

Q And by "they," you mean the IT personnel in your office?

A Yes. And there would be times I believe, again, I can't

say I have a specific recollection of this, but I believe there were times when more than one person would come and sort of assemble over the computer and talk, sort of a huddle, and try to see what was going on. So they weren't figuring it out.

Q How many government computers were assigned to you at that time?

A One.

Q So you only had a laptop, you had no desktop computer?

A Right. The laptop serves as a desktop. There is a docking station and you just set it on there and it sits there most of the time and it serves as your hard drive for your general use. And then when you leave town, you can take it if you want by just pushing these buttons and it pops up.

Q And that is connected to a network when it's in the docking station?

A Yes.

Q At what point did the idea come up to reach out to individuals outside of OSC to deal with your computer problems?

A It was a process of discussion of frustration, of gosh we've got to solve this, I don't know what's going on, can't we get somebody in here to look at the security problem? You know, I'm afraid of hacking going on, information leaving the office, of, you know, government information being hacked into, I'm concerned, what are we going to do, the IT people don't seem to be able to handle it, what can we do. It was a general discussion

and a process that was occurring. And as I recall it, it got progressively worse.

That is to say, you know, you would have one e-mail bounce back; a little frustration. The next thing that would happen is the computer would start flashing and doing funny things and then more e-mails would bounce. And then, you know, after that e-mails would disappear, you don't know what happened. And with each progressive kind of incident, there would be more discussion and more frustration of why don't we know what this is, why can't we just deal with this like we do everything else, just fix it.

And answers weren't forthcoming, I didn't have a sense that it was getting better, it was actually getting worse until the actual failure of the computer crashed and everything was gone.

Q When did that happen?

A As I said, I think late November. What is fixed in my head is after Thanksgiving. I remember it being kind of a down week.

Q And when you say "crashed," I mean, I'm not a computer expert, but I certainly have dealt with my own computer frustrations, by crashing, I assume that means that your files were inaccessible to you?

A Yes.

Q Or do you mean something else?

A No, that's exactly what I mean. What happened was it just started spewing -- it went black, the screen went black and

then it just started spewing information up and down, just rolling like some kind of spy movie. And I'm looking at this wondering what has happened. And I'm pushing buttons, I'm punching, I'm rebooting, I'm doing anything I know how to do, you know, and the thing is going, it's gone, I mean, there's just things spewing. So we emergency called Wing up. And that was a Friday, I believe. And, you know, it went from there. And he had to stay the whole night to try to recover the computer because it was gone. He said it's totally -- as I recall, he said something to the words of it's totally corrupted, I can't get anything here, I'm going to have to call the company, I'm going to have to call India, you know that kind of thing. And so I was involved in that for a while into the 6:00, 7:00, you know, time frame.

Finally, you know, they were going to be there what looked like all night. They literally ordered out food. Wing was there and then an associate of mine, an advisor of mine, stayed with him that night. And you know, I think it was 9:00 or 10:00 before they finally shut up, you know, the building. But that's when that occurred.

Q And then what happened?

A Well, it was related to me that they were on the phone with Microsoft in India trying to -- you know, with a technology person, trying to figure out how to get everything back, recover the files. And they, through whatever process they went through, it was my understanding that they had concluded there was a

corruption that had occurred and some things were lost, but they were able to recover, you know, most of it and reboot and, you know, get it back.

Q And then what happened?

A Well, what happened, I don't remember if at that time or a previous time they offered me a different computer. I can't tell you. Because again, I wasn't recording this in my head. I didn't think this was anything, but responding to a situation that had happened. But I know at one point, anyway they offered me a different computer, we tried it out, everything was compatible, everything was bouncing around again, e-mails weren't working, programs weren't functioning, things were shutting down, turning off.

Q So you were having similar problems with a different laptop, is that what you're saying?

A Not the same problems. It wasn't like this, you know, screen going blurry, any of that stuff. But there was compatibility problems, let me put it that way. And so I just said, look, the other computer works, let's just, you know, deal with that. As I sit here, it's more likely that occurred before the corruption of the files, but I don't know that. And so you said what happened next. That may have been something that happened next, I don't know.

Q At some point in this process, your IT personnel offered you another laptop. It was not a suitable alternative?

A Correct.

Q Not necessarily for the same reasons, but for other compatibility related reasons, is that what you're saying?

A That's what I'm saying. And I may be wrong about that, but that's what --

Q That was your understanding?

A That was my understanding. And so that didn't help with the difficulties and frustration. It only added to them.

Q So we're a little fuzzy on when in the time line that occurred. But you had this experience where your initial laptop was completely corrupted, or at least from the perspective that was explained to you. IT personnel were able to recover your files, but not make the laptop workable, is that right?

A I don't know that. I know they were able to recover most of the files. Some were corrupted. I don't remember if the other computer was offered after that or before that as an interim solution that didn't work. I can't honestly tell you. I'm just telling you that when you say what happened next, I'm not sure exactly.

Q Well, I want to understand where we got to the point when you reached out to somebody outside the government who gave you -- who suggested that you contact this computer specialist?

A At that time frame, early December, late November I was, you know, at wits end essentially. And my people weren't able to handle it, didn't even know what it was, could not figure it out.

And that's when I did reach out.

Q And I understand your interest in not bringing in a private citizen, whoever this person may be, but I think the committee needs a little more information about who you reached out to.

A Well, as I said, I had discussions with a lot of people. This person suggested a person's name and number that had helped them with similar problems, what they considered to be either a virus or hacking going on. And they told me about the solution that was provided and that they also -- that they could come in, clean your computer, make sure there was no problems on the hard drive, give you an encrypted flash drive, and they had, you know, software to do all this and give this encrypted flash drive and this no one could hack into because it being encrypted.

I don't know the details or the technical side of it, but just very, very difficult for anybody to get at. And thereby, you would be able to protect the stuff that was government sensitive and it would be something that would be useful to you, that you could carry around on your person, because I didn't know anything about thumb drives or flash drives at that time. I'm usually pretty far behind the curve. I was still with, you know, the disks, what they call floppy disks. I'm still, in some ways, there still.

And so that sounded good to me, because, you know, somebody was actually offering a potential solution that my IT people

weren't able to offer. Didn't know what was going on, didn't know that they could guarantee that any of these documents wouldn't be lost again or corrupted. I also had private documents on there on the C drive. You know, I used it as a repository for anything that I had brought over from DOJ when I took the position at the Office of Special Counsel or that came through while I was there, you know, just personnel things that came across the transom, whatever they might be.

And then some government sensitive investigative documents that I didn't want on the H drive, which is what I use for my normal government documents.

Q Is that the network drive?

A The network drive is where 98, 99 percent of all my government documents, working documents, letters, you know, all that kind of thing are, is on the H drive. The C drive was used for very little government documents, except for what I didn't want anybody to have access to. That was government sensitive, Integrity Committee, investigations of other inspectors, general, that kind of thing.

Q Did C drive documents get backed up to the network?

A No, no. That's why I was very concerned. So the flash drive solution that this person talked about was a dual solution. One is the company will clean the problem that's on there. First they'll transfer the documents that have been recovered to a flash drive that's encrypted and that cannot be hacked into. That

sounded really good. Secondly, they can clean whatever this is, whether it's hacking, virus or both. And that worked for me, you ought to try them out. I said, okay, here's a name and a number. I gave it to my contracting people. I didn't know who they were, I didn't know a name of a company, just a name of a person and a phone number.

Q What was your relationship to the person who provided this information to you?

A Friend.

Q Is the person a government employee?

A No, no, no.

Q Is there any reason why you can't give us the name of this person?

A I can. I have the verbal skills to do so. I don't want to.

Q Well, I'm going to ask --

A I prefer not.

Q I understand that. And I'm sure your friend appreciates that. I'm going to ask you provide the name, please.

A I'm not going to do that.

Q Okay.

A It's outside the scope. It's not necessary. It's an invasion of that person's privacy. It isn't helpful. What I'm saying happened, what's important is the name was given and a phone number was given. You can verify that.

Q You're here voluntarily. It's not outside the scope. And I think that, you know, we have a decent good faith basis to request the name. I don't think it's a violation of the person's privacy.

Mr. Orfanedes. We respectfully disagree and just ask that you move on.

Mr. Leviss. So you're going to refuse to provide the name, is that correct?

Mr. Orfanedes. I think he said several times he's refusing to provide the name.

Mr. Leviss. I'm actually addressing it to the witness now.

Mr. Bloch. I've given my answer.

BY MR. LEVISS:

Q Okay. So this person gives you a name and a phone number?

A Yes.

Q What did you do with it?

A As I said, I gave it to my contracting people.

Q What did you ask them to do?

A Here's the name of someone I've been informed can solve these problems and give me an encrypted flash drive that will be useful to me that I'll be able to store government documents on that no one can get into and won't be risking losing them or disclosing them to the public. And it sounds like a good solution, see how much they charge yada, yada, yada. When I say

yada, yada, yada, I don't know government contracting, I don't do that stuff. I just gave it to my person and they went from there and did their magic. That's all I knew.

Q What did they do next?

A I don't know. All I know is one day a person appeared, who was not the same person whose name I had been given.

Q So the next information you had about this situation came when an individual came to service your computer?

A To the best of my knowledge that was the next thing I knew.

Q So no one from your contracting unit or group came back to you for any more detail about what you wanted done?

A I don't know. I can't remember if that occurred. The only thing I know is that a person showed up and they had a, kind of a uniform or a shirt. And the word Geeks was on there. And they were from an eastern European country.

Q And what happened next? Did you speak with that person?

A Hello, how are you, here's what I'm going to do he said. He described it. And I stood there and watched him and he did it.

Q Did you tell this person what you believed was wrong with the computer?

A No. I had no information from the person or to the person. He just showed up, said what they were going to do and they did it.

Q What did he say he was going to do?

A Well, it's hard to understand his accent. But generally, I'm going to take the documents off your C drive, put them on another drive, clean your C drive, your people have taken a -- you know, I'm not saying these are his words -- but anyway, your people have taken an image of your computer so that they know which programs you have and can rebuild, you know, an identical image, put it right back in there after I've cleaned everything so that whatever you've got on there is not a problem. They'll put it back on there. I will put these documents that I've transferred from the C drive to whatever he had, some gizmo, onto this flash drive.

Showed it to me, told me how many gigabytes it had and said I'm going to ask you to come up with a password. You know, I'll look the other way, you know, that kind of thing. And he said, maybe he said something to the effect that the more characters you have in your password the more encrypted it is, the harder it is for anyone to ever, you know, hack in kind of thing.

Q Are you done?

A I watched him do it, he did what he said he was going to do, he asked me to do what he said I should do. I did what he said. And he was done. I said good-bye. He gave a phone number I think, if you have any problems with your -- you can't operate your flash drive, you know. He explained how you have to put it in and it will prompt you to enter your pass code. Make sure that you have your pass code saved appropriately. Don't let anybody

know about it. He said basic things to me, I think, like that.

Q When you're talking about a flash drive, this is a portable hard drive that you plug into one of the ports on your laptop, is that right?

A Yeah. I don't know if it's a hard drive. I just know that it's a black thing and you put it in the back of your computer. Since then somebody has given me an extension cord where you don't have to reach around. You just put it right there near your keyboard. But it is a stand-alone drive that retains information. And then you can take it with you, keep it on your key chain. That's what I did.

Q Did you or anyone on your behalf tell the gentleman from Geeks on Call that there were any problems with any other computers?

A Not that I'm aware of.

Q Do you know whether he serviced any other computers while he was in your office?

A I don't personally know. I've been told by the article. That was the first that I knew of. That I can recall anyway.

Q You've been told what?

A What was in The Wall Street Journal article. And then, I guess, some other trailing articles that came out after that.

Q I believe they reported that he serviced in some way two other computers?

A That's what it said in the articles.

Q Have you since learned anything about that report?

A No. I have no personal knowledge about how that came about, no recollection of any involvement in that. So, you know, I can only go off of the hearsay. I haven't talked to anybody who was involved in any of that, if anybody was.

Q Have you been able to confirm within OSC whether that report is true, whether he, in fact, serviced other computers?

A I haven't personally confirmed that, no. I have not gone to people and addressed them and asked them about that. I wanted to keep my knowledge my knowledge and let, you know, people figure out from there.

Q Have you tasked somebody else to do that?

A I don't know what that means.

Q Have you asked or instructed somebody else within OSC to learn whether other computers were serviced by this outside contractor?

A Well, you're asking me to get into my discussions with counsel. And I would prefer not to do that. So I have not tasked anybody to do any tasks. I've had discussions with attorneys. But I have not personally gone and talked to anybody about that.

Q Did you discuss with the gentleman from Geeks on Call your interest in having the flash drive encrypted?

A I don't think so. I think it was just understood that whatever they do, they do, and they were going to provide. That had been worked out ahead of time, not by me. I'm sure there were

some discussions between me and the contracting people about what I've been told could be done, and that's how it came about. But for all I know, they hired Geeks in some kind of competitive process that I was unaware of, and that the original person whose name I was given was too expensive. I really don't know. A person showed up. You know, I have a pretty simple idea about technology; it ought to work. And so I just ask people to provide solutions, and that's what happened here. But I really wasn't involved in the process.

Q So I take it from your answer that you haven't had subsequent discussions with your contracting personnel?

A That's correct.

Q About the contracting process?

A No, not about this contracting process.

Q I'm sorry, the process for bringing in this outside tech consultant?

A That's correct, I have had no discussions since the original discussion whereby they hired somebody with them about this at all.

Q Is there a reason that you haven't done that?

A Well, there's two reasons. The first reason was I had no reason to. The problem was solved, everything worked well, and there was nothing to discuss. I went on with life. And that was in '06. At the end of '07, suddenly an issue was created by the unauthorized and improper disclosure of these invoices to the

press by people who were supposed to be doing a confidential investigation. That was the next time I knew anything about it. At that point I didn't, because I was so advised.

Q Do you know who disclosed these invoices to the press?

A Do you mean the name of the people?

Q Or where they're from? I mean, your response just now suggested to me that you have an idea of where the press got the information for the story.

A As I said in the letter to the Committee, the reporter informed me that the OPM lawyers had given that information to them, or shown it to them. I don't know they gave it to him, because he didn't show it to me.

Q Did you or anyone on your behalf instruct this IT contractor to erase any files from the hard drives of computers they serviced?

A Within your question I lost who they is referring to, and I was a little confused by your question. I'm sorry.

Q No, you shouldn't be sorry. I'll try to make it clear. Did you instruct this outside IT contractor to erase any files from the hard drives of any computers he serviced?

A No.

Q Did anyone on your behalf instruct the contractor to erase any files from the hard drives he serviced?

A Not that I know of.

Q If I refer to the contractor as the Geeks on Call

contractor, are you going to understand that I believe I'm referring to the gentleman who came in to work on your computer?

A Yes. His name was Pavel.

Q Pavel?

A Pavel, yes. I remember that.

Q Well, that makes it easier. Did you instruct Pavel not to delete any particular files?

A Well, in a manner of speaking, he explained to me he wasn't going to delete anything, he was going to preserve it, wash or clean my computer and then retransfer them or reinject them into the flash drive. He could have just as well put them on the C drive, but I didn't want that in case something similar happened.

Q What did it mean to you that he was going to wash or clean the computer?

A Just whatever was on there, whatever traces of this virus, hacking, corruption process that no one seemed to understand or know what had really happened was not going to be there anymore.

Q And so was it your understanding that he was going to take all of your files off the C drive, do this cleaning process, but then not return your files to the computer after he was done?

A Right. He was going to put them on the flash drive instead.

Q Were there any files that he was instructed to return to

the office computer?

A I don't believe so.

Q I mean, did you instruct him to return any files to the office computer?

A No, not that I'm aware of.

Q Did you discuss with Pavel the need for preserving official government records?

A No.

Q Do you know if anyone on your behalf discussed this with Pavel?

A I don't know.

Q Did Pavel give you any other options for how to address the problem with your computer?

A No. We had no discussions about the problem itself or why he was doing what he was doing. He just came in, said what he was going to do and he did it.

Q Did anyone discuss with you what options there were?

A I'm sure there were discussions at some point with the IT people, with the contracting people.

Q But with you?

A Yeah. I mean, as I said, there was a process of discussion, what's going on here, what's wrong, how are we going to solve it, what is this, and I wasn't getting answers. But yes, there were some discussions.

Q Do you recall any of the other options for how to deal

with the problem?

A Yeah. I mean, as I said, I think at some point there was, well, let's just get another computer, this one seems to have some problems, maybe. Maybe it's in the computer. So that may have been either after the loss of all the files in the corruption of the computer or before. I can't really tell you what came first or after.

Q Any other options that you recall?

A I think one of the options was do nothing, just pretend like it didn't happen. I didn't like that option, but I believe that was discussed.

Q With respect to bringing in Pavel or some other outside contractor, were there any other options that were presented to you?

A By whom?

Q By anyone. It sound like Geeks on Call never had any contact with you on this. I'm trying to understand whether anybody laid out for you options you had -- once the decision was made to bring in an outside contractor, did anyone say there are different ways that they can tackle your computer problem?

A I don't know. I can't remember any.

Q You don't recall getting any other option?

A I don't remember any.

Q Did anyone discuss with you something called the seven level wipe?

A The term was used.

Q And who used that term?

A Pavel probably said what he was going to do.

Q Did he explain what a seven level wipe was?

A He may have, but again, his accent was such that I didn't get a lot of information.

Q What was your understanding of it?

A Well, whatever was the problem that was on my computer would be gone. That this was the best cleaning solution or whatever you want to call it that they had.

Q So was your discussion with Pavel the first time you heard this term, seven level wipe?

A Oh, I don't know. I could have heard it from the person that gave me the name of whoever was, you know, supposed to provide a solution.

Q The friend who provided you the contact?

A Yeah, yeah. I know that he talked about they're experts at this or they know how to do this and they've got special software, and they have an encrypted flash drive they'll give you. He may have talked about that seven level wipe.

Q Some of the press reports have indicated that a seven level wipe is a more comprehensive approach than is necessary to address a computer virus. Is that something that anyone discussed with you?

A Not at all. I think that's incorrect. I've been

informed that that's not true.

Q And who's advised you of that?

A My communications guy who did some research and found out it does have a very powerful effect on certain viruses.

Q So did you select the seven level wipe? Did you request the seven level wipe?

A No, I did not. I do not know what a seven level wipe is, never heard of it before this, didn't know that I needed a wipe or a level of wipe, you know. All I knew is I had a computer problem that was not solved by my people and they could not figure out what it was or how to deal with it. And then my computer crashed and that was it. I knew I didn't need further loss of documents and corruption to know that I needed to seek some other solution. And it worked. I mean it has worked. I've never had any problem since.

Q What instructions if any did you give Pavel about transferring your files to a flash drive?

A None.

Q What discussions if any did you have with Pavel about transferring files to the flash drive?

A None other than what I've told you. He told me what he was going to do, how he was going to do it and he did it.

Q Is the flash drive government property or is it your personal property?

A Government property.

Q And the files that are on this drive consist of both personal files and some official files, is that correct?

A You mean now or then?

Q Well, let's start with then.

A Well, then there were some government files and some personal files yes.

Q And now?

A A lot more government files and some personal files.

Q So you -- I take it you continued to add files to this flash drive?

A Yes. I found it very useful, not only as a solution to the problem that I was having, but also as a useful tool to be able to take documents with me, you know, like go on trips. I give speeches, PowerPoint presentations. If I have a need to look at, you know, congressional matters or public affairs issues or, you know, legal memoranda or reports of investigations or whatever, I take them with me, look at them and, you know, it's a very useful tool.

So yes, I put a lot of stuff on there. But much of that is also on the H drive. So I'll say okay I'm working on a file in the H drive, I'll save it to the flash drive so that I have A, a back-up, and B, can take it with me and look at it when I'm on the road.

Q Are there any official documents on your flash drive that are not accessible in any other place?

A Yes. The ones that were originally on there that weren't accessible other than on my C drive.

Q And now they're no longer on your C drive, they're only on your flash drive, is that right?

A Right. Those are still law enforcement sensitive, not for anybody else's eyes, that's correct. And there's some legally privileged files.

Q Did you have any discussion with Pavel about segregating personal and official files when he transferred them?

A No. They were all in a -- you click on your C drive symbol on your computer and it pulls up a menu and you'll see folders. And that's how it was. That whole thing was just taken and put on a gizmo and then onto my flash drive so it's in the identical form it was on before at that time.

Q Did Pavel save to your flash drive any files from the computers of any other OSC personnel?

A No. Not that I'm aware of.

Q Well, you've since had the opportunity, I gather, to explore what's on the flash drive. Have you seen any files on there that you don't recognize as your own?

A No.

Q Do you know whether Pavel deleted any files that he did not first save to your flash drive?

A Well, he did not do that that I could tell. He did exactly what he said he was going to do. And then I've looked at

what was on there before on the C drive, at least that which was recoverable, and what was on the flash drive after, and it was all there.

Q Have you since deleted any of the official files that were transferred to the flash drive that are no longer any place else?

A I don't know. In that year between '06 and '07 when I had no reason to be thinking about any issues, it's possible. I don't think so, but it's possible. Things that were not needed anymore, either personal or official, you know, notes or a letter or something that was never sent. I don't know. I honestly don't know.

Q Does your office have a record retention policy?

A No. Not that I'm aware of. I should say when you say "record retention," do you mean documents that are from investigative files, do you mean e-mail? There's different kinds of record and there are different rules that apply to each.

Q Sure. Different agencies approach official files in different ways.

A Right.

Q And I guess I should be more precise. Does your office have rules or policies concerning the retention of electronic copies of official records?

A No, not that I'm aware of. Now, we -- let me back off that. There may be now, but at the time none that I was aware of.

Now, we've done a wide scale revising of directives relating to file retention and everything else under the sun. And so that recently got accomplished. And I signed the new directives or the revisions to directives very recently. So there may be now what was not in place at that time a policy relating to retention of electronic records. But as I sit here, I could not tell you what that might be.

Q Is somebody else at OSC responsible for developing that policy?

A Well, I mean, yeah. I, in conjunction with the legal counsel, and policy division in conjunction with senior staff have done a wide scale revision of policies, and so there has been a collaborative process. The most responsive person is head of our legal counsel policy division.

Q And who is that?

A Erin McDonnell.

Q Is that a woman or a man?

A A woman. E-R-I-N, McDonnell.

Q So if I had questions about -- I wanted to learn more about OFC's policies for retention of official records, specifically electronic records, Erin is presumably the expert?

A Well, I guess you could say that.

Q Are you saying that?

A She's most responsible for the creating of those policies. She may not have drafted them herself or she worked

with other people on it, but she's the most responsible person of anyone in the agency about those issues.

Q I understand. How much did Pavel's services cost?

A I don't know.

Q The Wall Street Journal reported that you paid \$1,149. Does that seem like that figure could be right?

A I don't dispute it. As I said, I was not involved in the contracting part of it and no one told me here's how much it's going to cost, does that sound good. As I recall. All I know is I have no question in my mind about it being excessive. No one told me that it was. And they're required to find the best price you know.

Q Did you see the bill?

A Not that I'm aware of.

Q Do you know what funds were used to pay Geeks on Call's bill, government funds versus personal funds?

A Yes. I have no doubt it was government funds.

Q Some of the press reports said that the bill was paid using a government credit card. Do you believe that to be true?

A I don't know. It wasn't my government credit card, not that I'm aware of. No one asked me for it.

Ms. Amerling. Why do you have no doubt that government funds were used?

Mr. Bloch. Well, because the contracting process was involved and contracting people were doing it. I don't think they

would use their own funds.

BY MR. LEVISS:

Q Did you use any of your own funds?

A No.

Q You've addressed this in a way before, but I just want to be sure I understand. Do you know whether other bids were solicited from other contractors for this work?

A I do not know.

Q Did you consult with anybody inside or outside the government about whether it was appropriate to retain an outside firm to perform these services on government computers or on a government computer?

A Well, only in the sense that I always have such discussions when doing any contracting with the contracting people. When I say contracting people, I don't mean the actual COTR contracting officer, but rather the person in charge of that division. We always have such discussions. What are the rules, can you do this, does it have to be bid, what are the -- what is the appropriate thing to do.

But I always require them to do what the law requires. And I never want them, you know, to do anything other than what is lawful. But I depend on them to know what that is and to go according to government regulations and FARs concerning appropriate contracting practices.

Q Was OSC counsel involved in the decision to, or in the

discussion about whether to bring an outside contractor in to service an OSC computer?

A That is possible. I don't remember.

Q Apart from the folks that you've mentioned so far, is there anybody else who knew in advance that you were considering having an outside contractor service OSC computers?

A Was there anyone else?

Q Was anybody else involved in these discussions or aware of your intention or your request to bring in an outside contractor to service these computers?

A Possibly. I can't recall specifically all the people that were involved or knew about it or were in the discussions. But I can surmise that my advisors were. You know, Jerry Sanchez is my senior advisor. My deputy at that time was acting deputy Rebecca McKinley. I don't know how much she knew. I just don't know.

Q Do you recall anybody else who was involved?

A Possibly my confidential assistant.

Q Who is that?

A Well, I don't know who it was at that time. It may have been my present one, Kathleen Robinson. Or it may have been Carolyn Sweeney. I can't recall when Kathleen started.

Q Fair enough. Anybody else?

A Well, the contracting people, the head of the contracting division, possibly other counsel, but I don't

remember.

Q Who are the contracting people you dealt with?

A I dealt with the head of the administrative division who's over the contracting people, Rod Anderson.

Q Anyone else?

A I don't know. I can't recall if anyone else was involved. He would have been the natural person to talk with.

Mr. Leviss. I'm done for now. I don't know if you want to take a break before --

Mr. Bloch. I'm fine.

RPTS KESTERSON

DCMN MAGMER

[10:00 a.m.]

Mr. Castor. Mr. Bloch, Steve Castor with the Republican staff. Thanks for joining us today. It is probably a bit of a bummer to come in and talk with congressional staff about any matter, let alone -- let alone this.

EXAMINATION

BY MR. CASTOR:

Q Did you ever have any recollection when you were speaking with your contracting folks about the -- engaging the Geeks' company? Have you ever said along the lines of, hey, don't give me any grief. What I want you to do is reach out to this person and bring them in. Do you ever recollect anything along those lines?

A Don't give me any grief?

Q Uh-huh.

A You know, I don't have a specific recollection of anything of that nature. But, you know, I don't -- I use a lot of phrases and that is maybe one I've used in my life. I don't know.

Q But as I understand what you were walking us through earlier, you got the name of an individual or a service provider from a private individual?

A Yes.

Q And you turned that over to someone in your shop?

A I believe Rod, but I can't tell you for sure. It could have gone to J.R. Sanchez, who gave it to Rod.

Q Do you have a recollection of whether you instructed -- was it Mr. Anderson or Mr. Sanchez to call the person on the card or go out and conduct a competitive sourcing?

A Well, I didn't have a card. But I gave him my phone number and a name. The format by which I did that, I can't tell you, a piece of paper or what. I didn't know the name of the company, as I said; and I didn't give him specific instructions about how to do it. We may have had a general discussion about, do you compete; is it the kind of thing that you can do, sole source? I don't know. Those sorts of discussions occur from time to time. I don't know these rules very well. They do. They have to tell me what we can do and what we can't do.

Q But if you had that type of discussion, then you probably wouldn't have used the phrase "don't give me any grief about that", is that fair to say?

A I don't know what is fair to say. You know, I was frustrated with the process, with not having a solution, losing all the documents, some being corrupted and not recoverable. I needed the problem solved. It got solved. It worked. That's all I know.

Q So the name on the information spot about private individual, that wasn't Pavel?

A I don't think so.

Q And it wasn't Geeks on Call?

A I don't know. I don't think I was given the name of a company. I was given the name of a person and a phone number.

Q And so it -- at no point did you evaluate the qualifications of either firm, if there were two firms?

A I did not. I would have depended on the contracting people to do that. However they do that.

Q So if there was any evaluation to be performed, that would have been done on the contracting side of the fence, is that fair to say?

A Yes, sir. Yes.

Mr. Ausbrook. Excuse me one second. This is an interview, and under our rules other people can ask questions during a round of questioning, so we may -- Mr. Brosnan and I may break in a second -- and just real briefly.

EXAMINATION

BY MR. AUSBROOK:

Q When it wasn't the guy -- when the guy that showed up wasn't the guy whose name was given by the private individual, what was your reaction to that?

A I don't know. I was a little amused, I guess. Gee, I wonder who this person is.

Q Did you ask anyone why they didn't get the person whose name you had been given?

A I may have asked Pavel who are you and I thought there is some other person. He may have even said, oh, I work for that person. I don't know. I really don't remember.

Q But you were given a very specific person's name --

A Yes.

Q -- and that this person can solve your problem. You gave that to your people, and they came back with somebody else?

A Yes.

Q Did that raise any questions for you about why the person's whose name you were given wasn't the person?

A I don't know. As I sit here with you, it sounds logical that I would have. I don't remember specifically. I was really, really interested in having a solution to a problem; and when this person explained that they were going to do what I had originally been told could be done, solve my problem and get an encrypted flash drive, it sounded consistent with everything that I'd been told. So I just assumed that this person worked for that person. But -- he maybe even said so. I don't know.

[Discussion off the record.]

BY MR. AUSBROOK:

Q But who had told you how to solve the problem so that when Pavel came in and said this is how we're going to solve your problem that was consistent with what you had been told?

A Well, the person that gave me the name of the individual that had solved his problem, as I described it earlier, is how I

knew.

Q Okay. We're going to ask again, because I think the committee is interested in who was the original person that gave you the name of the person to help solve your problem.

A I understand. I'm standing by my original answer, respectfully.

Q And the ranking member and the chairman will both be interested in the name of that person. We'll just have to discuss that.

A Sure.

BY MR. CASTOR:

Q Do you remember how long the Geeks' associate was on site?

A Oh, gosh. I don't know. There were parts of it that took, you know, a little bit of time; and how long that was I don't know. But I may have, you know, sat at my desk. I may have sat at an adjoining table or on a couch nearby and looked through some papers while he hooked the gismos up or what have you. But whenever he did anything to my documents, he -- I was -- I had asked that I be able to oversee that. I wanted to make sure that what was being done was appropriate.

Q And the work that he performed, was that on the initial computer you had trouble with or the second computer?

A The initial one.

Q And was he there for -- I know you said you don't know

how long he was there. Was it, like, a morning? Was it an all-day event?

A No.

Q An afternoon?

A I seem to recall that it would have been in the afternoon for about an hour, maybe, or two. I can't recall specifically.

Q And had you been -- migrated to the second computer at that time or did the second computer come after the geek's visit?

A I don't know. As I said, I do recall that that was offered to me as a solution at one point; and it wasn't any kind of a solution.

Q But you're sure that the work that the Geeks performed was on the first computer?

A I'm pretty sure.

Q You said that Pavel worked on your computer for an hour or thereabouts. Was the computer fully functional at that point or was it still doing the spy novel stuff that you talked about?

A After the recovery of documents that Friday night I've described, with the exception of the substitute computer -- which may have come after that time or before that time, I don't remember -- with the exception of that, I had no further episodes before the Geeks person came.

Q So it was a Friday in November of '06. That's when Wing Leung was there, J.R. Sanchez was there. What happened in between

that evening and the Geeks' visit?

A I think the contracting process happened. I was anxious to make sure the corruption didn't happen again. I didn't lose all my documents. I had a general impression that whatever they had done that Friday night was something of an interim solution. In other words, I hadn't had any further blips or strange things happening on my computer --

Q I got you.

A -- but I was still suspicious about either the computer being defective, there being hacking going on or some kind of, you know, virus that could just hide out somewhere. I was very concerned about that.

Q Anybody else in the IT department other than Wing Leung that you dealt with?

A Probably, although not that Friday night. But before that, after that, I routinely dealt with all of them: Fai Chan, Larry Avruinnen -- I can't pronounce -- I know it when I see it.

Q Fair enough. You don't have to remember every name --

A Larry, and then Jennifer is another. She may have joined us shortly after that. I can't remember when she got there.

Q And Wing Leung, he is a GS-15 government employee?

A Yes.

Q And do you know if the IT department is primarily staffed by folks who work for the Federal Government or do you

also have a component of a contractor support?

A Well, they are now all government employees, but some of them started out as contractors before I got there. And Larry was one of those. Avruinnin. That is his last name, Avruinnin. It's a hard name to remember. A-v-r-u-i-n-n-i-n. I think Larry was a contractor with some company that was in there before I got there, and then they hired him permanently.

Q Before the November '06 Friday night visit by Wing Leung, had you ever had any trouble with the IT folks? I mean, were they a capable bunch?

A For the most part, they've been very good. They are earnest. They try to do what you ask them to do.

There are difficulties in communications sometimes. There are issues of knowledge base that come up, the example of the Geeks being one. But there have been some others where it takes quite a bit of time and back and forth with outside contractors' companies, I should say, in dealing with technology issues that I would think they would know or should know.

Now, I don't want to be critical of my people. I like to praise them and, you know, give them bonuses and all that stuff. But there are issues there of, you know, on a scale of 10, 1 to 10, 10 being, you know, Bill Gates, I don't think I'm dealing with Bill Gates.

Q Fair enough. And I'm not trying to lure you into some sort of, you know, opportunity to speak negatively about the IT

folks.

I guess what I was getting to is when you decide to maybe go the Geeks route or whatever the name of the person or company was that your private individual recommended, in part was that because you thought that your IT folks couldn't fix it?

A Right. I mean, at that point, they had proved that to me and the ultimate had happened. You know, everything was gone. And I had been after them, asking them, begging them to solve it. What is the problem here? Why can't you solve it? Telling them my concerns about there being security issue, hacking, virus, whatever it is. Tell me what this is.

They couldn't figure it out, and then it collapsed. I don't think I needed any further proof that I needed to go outside to get a solution which worked. And I'm very proud of it, very happy that it worked. It's been very useful to have that flash drive.

Q And, at that point in time, all the OSC official government records were all on network drives anyway. So if the Geek folks couldn't have fixed it, there would be no loss to the agency, is that fair to say?

A I think that would be fair to say, but I would feel a loss in that a --

Q You have your personal -- I understand that?

A Beyond the personal files, I would feel a loss because of those government-sensitive investigation files which OSC as an agency wasn't that concerned with but I, as an official in the

government who is responsible for being involved in those matters and for having control of those documents and I have, you know, obligations under the government -- Ethics in Government Act to preserve them. If I lost them, I would consider that pretty bad.

Q Let me ask you this. What did you do after the -- after everything was okay? What did you do to sort of try to figure out the exposure here to the agency?

A Well --

Q You know, if the documents were hacked into and sensitive materials were out in the public domain.

A I had no way of knowing if that had occurred. The IT people didn't really know what had occurred, but they doubted that there was hacking. But I didn't think they knew.

Q Did you ever ask Wing Leung or the other IT folks if they could figure out whether the network was penetrated by an outside source?

A I certainly expressed those concerns; and we had had an evaluation done -- a security evaluation done a long time before that, maybe 2 years. And some areas of exposure were identified; and I think they were still working to try to close the gap, if you will, on all of that. I didn't know how far along they had really gotten in that.

I had a specific problem. I got it solved. I moved on, and I didn't really dwell on it any more after that.

Mr. Ausbrook. One quick thing.

BY MR. AUSBROOK:

Q You mentioned one of the employees coming from -- formerly being a contract employee with the agency. Does the agency have an ongoing contract with any IT support company for this kind of thing such as, you know, Lockheed Martin or Northrop Grumman who does a lot of government contracting for IT support?

A No, I don't think so.

Q Has it ever had one while you've been there? I mean, if Larry came from a contractor who used to do work for you, is that a contract that then expired and was not renewed or --

A I believe that is right. I believe that was a contract that was expired and wasn't renewed, and he was hired on permanently because they got to know him and thought he was pretty good.

Q Was there a determination while you were there it would be better to bring these people in-house and have an IT staff in-house than doing this by contracting with outside sources?

A I don't know that. I know that after I got there we had discussions about whether to outsource the IT function and all of the issues that go with that. I think you had an analysis shift under RIF and they might actually become your contractor and, you know -- so --

Q It sounds as though you had a contractor, though. When you first got there, it sounds like you had one.

A I don't know that they were still there. I think that

that was right before I got there. But it was in the same year that I was confirmed I think that they were there. But you'd have to ask the IT people because I -- you know, I didn't know all the details.

Q As far as you knew, when the problem arose at least there was no IT contract that you could turn to -- an existing one that you could turn to to try and solve your problem?

A I believe that's correct.

Q Did anybody tell you that?

A Nobody told me that or the opposite of that. I just -- I guess I assumed it.

BY MR. CASTOR:

Q When you're having the trouble with your computer, was it related to any specific program like Microsoft Outlook, Word or the Internet?

A I think it was mainly Outlook and Word. I don't recall it being related to the Internet itself or to any other programs.

Q So when you suffered a negative experience with the computer, you were typically in Outlook or Word, as you recollect?

A Well, I don't -- I can't honestly tell you. I honestly have a lot up and running at one time --

Q Sure.

A -- so I can't honestly say to you the problem came from one source or another. It could have been the Internet for all I know. You know, I had OSC 2000 up or I would have the Internet up

just sitting there and not working on it but just having it open along with Word, along with Outlook. And I might even have Excel up, for all I know, at any given time -- or PowerPoint. But I try not to have five programs running at once.

Q Anybody else at OSC report these problems that you know of?

A Well, yes. But I can't honestly say to you it was exactly the same time that mine were.

But, anyway, yes, there was a problem with my confidential assistant having e-mails bounce back to her or if I sent her something she wouldn't get it. She had things maybe that bounced back to her. I don't know if they've ever solved that.

Q Did you ever ask Mr. Leung whether it would make sense just to give you a completely new computer rather than go the Geeks' path?

A Well, the answer is partially yes. I don't know if "rather than go the Geeks' path" fits in there, because I'm not sure about the timing of it. But, yes, we did have the discussion. They brought the new computer. It didn't work. It was not compatible. It kept shutting down. The programs didn't work. I said, gosh, now my life is even worse. Let's go back to the old one. At least I know the programs work.

Q But you don't recollect when that was?

A No. It was sometime --

Q Was it before or after the Geeks came?

A I don't know. As I testified, I can't honestly tell you. The logic of it seems that it came before, that it was an interim solution that didn't work and we just kept trying solutions and it didn't work.

Q Do you know if that laptop was a new laptop or somebody else's?

A It was new, as I recall.

Q So it didn't belong to a woman named Dorothy Timbs Yeung?

A I don't think so. That is her name now. It wasn't then.

Q What was her name then?

A Dorothy Timbs.

Mr. Brosnan. Did it belong to her?

Mr. Bloch. No.

BY MR. AUSBROOK:

Q One little follow up on that and that is, did anybody explain to you how it is that -- that one OSC computer was not compatible with the network or with files from another OSC computer?

A No, they couldn't give me an explanation.

Q Did you ask for one?

A I'm sure I did, in a manner of speaking. I don't know how I expressed that, but --

Q I'm not sure I would want to hear you express that. But

it seems strange that the same agency, same program, same file, same format, et cetera, I mean, whatever -- if you brought another computer in -- and I know you said that the problems weren't identical, but -- but it seems odd that they would not function on just, you know, plugging that into your docking station.

A Yeah, I -- a lot of things have puzzled me about that and other, you know, technology solutions -- so-called solutions. There have been a number of instances where the tech unit will solve things by bumping-me-up technology, buying something more expensive; and I always say to them you created new problems for me that didn't exist before. I like, you know, things to work like they did.

Every time I have a problem with my BlackBerry, they give me a new one. This one I cannot figure out to this day that I'm holding in my hand right now. The Pearl I think they call it.

So, yeah, I mean, that is consistent with other things that have happened or they give me something newer, supposedly improved, more powerful, better; and it doesn't work. Things just don't function the same way. They just don't mesh. And I was a little surprised by that. But not shocked.

Mr. Castor. I just want to go through a couple of news articles. As you probably know by your years in Washington, sometimes oversight initiatives happen around the same time newspaper articles come out. I just think it is probably fair to you to just go through the Wall Street Journal article and then

maybe a Post article.

I'll mark this as Exhibit 2.

[Bloch Exhibit No. 2

was marked for identification.]

BY MR. CASTOR:

Q Was the Wall Street Journal article the first one about this topic that you can remember?

A I believe so.

Q Did you say earlier that the individual from the paper said that they got information from the OPM lawyers?

A That is what he indicated to me, yes.

Q Did you find that odd, that a journalist was giving up his sources so willingly?

A Well, it seemed like that is the only place he could have got it and maybe he knew that I would know and everyone else would know they are the only one that would have access to it unless there was some other investigation, which there wasn't at the time.

Q But he willingly, as you recollect, just gave that up?

A He said that my source -- I asked -- I asked over there at OPM. They showed me the two invoices, or words to that effect.

Q Okay. On page 2 of the article -- it is the third paragraph down, where they talk about the invoices, and Mr. Leviss had referenced the dollar amount, \$1,149.

A Right.

Q It talks about two visits on the 18th and 21st.

A Yes.

Q As we sit here today, do you remember two visits by the Geeks' folks?

A No.

Q Just one?

A Yeah, it is the only one I had. I don't remember when he came. It could have been the 18th or the 21st or that is just the date of the invoices. I don't know. It could have been they came on the 15th.

Q And to the best of your knowledge, Geeks only worked on one PC?

A That is the only one I asked them to be -- whoever was hired. I didn't want to hire Geeks per se. I didn't know their name. But whoever we were going to hire, I only needed them to work on my computer. That's all I knew.

Q So if there was a second computer that was worked on or a third computer that was worked on, you have no knowledge of that.

A As I sit here now, yes, that's correct.

Q When you saw the newspaper article or learned of that information, did you do anything to sort of try to hunt that down, that information?

A No. As I testified earlier, I was advised not to.

Q Okay.

A But I was concerned when I was shown that. I didn't know why there was two invoices.

Q Do you know if anyone else in your shop -- Mr. Anderson or your staff or Mr. Sanchez -- tried to sort that out?

A Well, I don't know. You'd have to ask, you know, someone else. Perhaps Mr. Anderson.

Q There is some -- in the last full paragraph of the first page --

A Yes.

Q -- there is some information attributed to you that is not necessarily in quotes. So I just want to walk through that. It is on the first page. Sorry.

A Oh, the first page?

Q Yeah, my bad.

A Okay.

Q The paragraph begins with your name.

A Yes.

Q And the second sentence says, Mr. Bloch believes the White House may have a conflict of interest pressing the inquiry into his conduct while his office investigates the White House political operation.

A Okay.

Q Is that a fairly -- was that fairly attributed to you?

A Well, he had obtained documents from the Hill that were my correspondence with the White House concerning their request to

have OPM investigate me concerning a complaint from a former employee and from some interest groups that I had forwarded to the PCIE, not the White House. And the PCIE did not want to handle it, and they sent it to Harriet Miers at the White House who commissioned Clay Johnson who commissioned OPM and its Inspector General.

Q Through the PCIE process, though, right?

A No, outside of the PCIE process.

Q But the OPM folks that are working this matter --

Mr. Orfanedes. I don't want to get too far afield on this OPM thing. The reason we are here today -- the reason why you asked us to come here was to talk about the issue with the computer, not OPM.

Mr. Castor. Actually, that is precisely incorrect, as I understand it. Because there is an allegation that files were deleted from his office computer that were responsive to the PCIE investigation. That's where we're going. If you're going to -- you're here voluntarily; and if you're going to instruct your client not to answer, you know, certainly we'll make a note of that and move on and follow up later.

Mr. Orfanedes. I think it is outside the scope.

Mr. Castor. Okay. So are you instructing your client not to answer?

Mr. Orfanedes. Well, you don't have a full question pending.

Mr. Castor. Okay. Then why don't you let me ask a question

and then you can --

Mr. Orfanedes. I just want to note that we seem to be getting beyond the scope of the letter that --

Mr. Castor. And I'd like to specifically point out that it is expressly --

Mr. Orfanedes. We're going to give the court reporter heartburn if we talk over each other. So let me finish and then you can say whatever you choose to add to the record.

We think you're going too far -- you're going too far afield in this OPM PCIE investigation. You touched on it a little bit based on here. That is fine. If you want to finish asking your question, that is fine. But what we're saying is that is not the reason why we are here today.

Mr. Castor. I would respectfully disagree.

BY MR. CASTOR:

Q So, getting back to the PCIE topic, is it your understanding that the OPM folks were tasked with this investigation outside of the PCIE process and outside of the process that Clay Johnson runs?

Mr. Orfanedes. That's outside the scope of the discussion today.

Mr. Ausbrook. I don't think it is. I mean, as we've mentioned, one of the questions here is whether -- whether documents responsive to the OPM investigation were deleted. And we're trying to find out what is a document that is responsive

to the OPM investigation, what is the nature of the OPM investigation to know what documents were considered missing, and so, you know, the question is, what is this other investigation? And certainly, you know, what is the nature of that investigation to the extent of who is running it is simply a simple question that is not beyond the scope of what we're looking at.

Mr. Orfanedes. We disagree. You can ask about documents that were on the hard drive --

Mr. Castor. Why don't we do that?

Mr. Orfanedes. -- that were transferred to the flash drive.

BY MR. CASTOR:

Q What kind of documents, to the best of your recollection, were on the hard drive that were transferred to the flash drive? I think in your letter, going back to Exhibit 1, you said medical records, financial --

A Yes, what I've stated in Exhibit 1 is a general laundry list of the type of private documents that were on there and then there were the legally privileged and then there was the PCIE law enforcement sensitive documents which were in a subdirectory which included many different kinds of investigations, many different kinds of letters, many different kinds of reports of investigation and so on. So that is correct.

Q You said in your letter that you had ideas for articles and book reviews. Did you have any -- anything else in that sort of category? Any chapters from books that you were writing?

A I'm not going to get into my private documents with you.

Q That were on the laptop?

A Yeah. I told you the general categories of what was there. I'm happy to provide you with that information. But I'm not going to get into particulars. That would invade my privacy further than has already been invaded.

Mr. Castor. I want to mark as Exhibit 3 the directive -- the OSC directive.

[Bloch Exhibit No. 3
was marked for identification.]

BY MR. CASTOR:

Q Is this the directive currently at force in your agency?

A I don't know.

Q Was it the directive in force at the time in November and December of 2006?

A I don't know.

Q Have you ever looked at this directive before?

A Probably. As I sit here, I can't tell you honestly if and when I did it. But I probably did.

Mr. Ausbrook. Well, you're actually able to say in your letter that the private documents did not abuse the limited use of government resources. How would you know that if you didn't know what the standards are for limited use which are set forth in this document?

Mr. Orfanedes. I don't believe he said he didn't know what

the standards were. I think you're mischaracterizing his statements.

Mr. Bloch. I know what the standards are generally. I've talked about them with legal counsel and policy division people. I'm aware from my days at DOJ. I'm aware of generally what the law is in this regard. And every agency in the government that I'm aware of has a limited use policy and you're allowed to store private documents.

BY MR. AUSBROOK:

Q Is it the same? Is the limited use policy the same in every agency?

A Roughly the same. It is de minimus standard.

Q So you're aware of the limited use policy in the Office of the Special Counsel? You know what it is, and that's what your counsel seems to be suggesting?

A I believe so, yes.

Q And that's despite never having looked at the -- not knowing whether this policy was in effect at any particular time?

Mr. Orfanedes. What I'm suggesting was you hadn't asked him about that. You didn't ask him if he --

Mr. Ausbrook. I'm asking him now.

Mr. Orfanedes. Okay. That's fine.

Mr. Bloch. Yes, I know what the standards are. I know what the standards were. I'm not sure if I looked at this specific directive or this was even in place at that time or if it is in

place today.

I sign new directives. I don't know, you know, when this one was operative as concerns the 2006 time frame. But it would have been a similar policy, which is de minimus use is permitted of government equipment, government documents -- I'm sorry -- government computers, government equipment, fax, copying, phone, et cetera.

BY MR. CASTOR:

Q Turning to page 3 of the directory, it is fair to say that you can use your government issued equipment in limited fashion, correct?

A Yes.

Q Along those lines, page 4 has sort of a laundry list of things you definitely can't do. Like number 4, you can't -- run personal or private business on your government laptop?

A Correct.

Q And presumably you can't write a book on your personal government laptop?

A Correct.

Q If you're engaging in that in your private time --

Ms. Amerling. It is not clear to me this line of questioning goes to the issue of the December 6th letters. It is asking --

Mr. Castor. I think it will be clear in a moment.

Ms. Amerling. It would be helpful if you could explain that. Because the chairman is going to have to look at whether questions

are relevant to the scope of what Mr. Bloch --

Mr. Castor. I'm getting there.

Mr. Ausbrook. I mean, I explained it. And that is the issue raised in the chairman's letter and the purpose of this interview is to discuss the potential erasure of files on the OSC laptop and what might have motivated that. And the question is whether any of the -- any uses that are not permissible would have been revealed in that laptop had the files not been erased.

Ms. Amerling. That's helpful, but he is going to have to take into consideration that explanation when we look at his records.

BY MR. CASTOR:

Q So, Mr. Bloch, flipping through those numbers 1 through 13 --

A Yes.

Q -- number 4, for example, talks about using the equipment for personal/private business.

Number 6, for example, talks about, you know, product endorsements or lobbying.

A Right.

Q 11 talks about, you know, mass e-mails.

A Right.

Q Nine talks about, you know, inappropriate Web site visits.

A Right.

Q And to the best of your recollection, was your personal use of your government-issued computer consistent with this policy?

A Yes.

Q Okay. Good.

Page 6, I just want to refer you to the privacy expectations?

A Uh-huh.

Q I can read it, or maybe you'd prefer just to read it yourself.

A Sure.

Q Whatever is your preference.

A I'll read it. Okay.

Q And you would agree it makes it tricky to keep legally privileged documents on your government laptop under this privacy rule?

A No. I don't agree.

Q The documents in your C drive, though, are certainly accessible by the IT folks on the network, right?

A No.

Q You don't think they are?

A Not on the C drive. They can't just get at them from the network.

Q Okay.

A Unless, you know, they do some kind of hacking. But I don't even know how that works.

Mr. Castor. Go to the next Exhibit. What number are we up to?

[Block Exhibit No. 4
was marked for identification.]

BY MR. CASTOR:

Q It is a Post article. It looks like a couple of days after the Wall Street Journal article.

A Yes.

Q The Post reports in the sixth paragraph that the Geeks' folks scrubbed laptops, computers used by two of your aides.

A That's what it says. I didn't say that.

Q Okay. And again your testimony is you're unaware of any work performed on any laptops beyond your personal one?

A I have no recollection. That's correct.

Q In that first paragraph, it states that you will not give Federal investigators copies of personal files that you deleted from your office computer. That's their lead paragraph. Did you turn over a privileged log in the investigation?

A No. Well, yes -- I mean, but not of this particular issue.

Q Because it wouldn't be responsive, in your view?

A Well, I mean, there are privileged documents, but then there is just documents that are irrelevant. You don't have to provide a privileged log of irrelevant documents, just a privileged log of documents that are relevant but privileged.

Q And responsive?

A Yes, exactly. This did not fit within that at all.

Q Are you aware of what the mechanism would be if the OPM investigators -- whether that is through the PCIE or not -- would disagree with your determination if something is responsive? Like if you're downtown in Federal court and, you know, you're before Judge Hogan and there is a dispute -- you know, you guys write motions and briefs and take it to the Judge and the Judge decides. Are you aware of how that gets sorted out by the PCIE folks?

Mr. Orfanedes. This is, again, outside the scope of why we are here today. We're here today to talk about the computer in the November and December time frame, not about how PCIE or OPM might resolve discovery disputes.

Mr. Castor. So you're not going to answer that question?

Mr. Bloch. I'll follow my counsel's advice.

BY MR. CASTOR:

Q Getting back to the visit by Pavel in December of '06, are you able to categorically rule out whether he erased any files permanently?

A I don't think he did. But, you know, can I sit here and say that he didn't secretly erase a couple of files? I doubt it. I don't think -- I don't see how he could have, but I can't speak as to his, you know, prowess in technological matters.

I can tell you that I didn't instruct him to, would not have allowed it had I known he was trying to. And I had been able to confirm more or less that everything that was on there before is

on my flash drive. So I hope that provides you the best answer I can provide.

BY MR. AUSBROOK:

Q Can I just go back to this article for a quick second? It's related to that question.

It says that you would not give Federal investigators copies of personal files that you deleted from your office computer. Did you delete personal files from your office computer?

A No.

Q Okay. Then why did you respond that the personal computer records requested by OPM are not relevant to this investigation? Why didn't you just tell them there weren't any such files?

Mr. Orfanedes. Where did he say that?

Mr. Ausbrook. Back down to the one, two, three, four -- fifth paragraph.

BY MR. AUSBROOK:

Q Why did you say that?

A Well, I didn't. I mean, they are not quoting me. I don't know where they come up with -- I didn't talk to the Washington Post on this article.

Q So the quotation of a fishing expedition, you never used that in this conversation with the Washington Post related to this article?

A It says "he earlier called a fishing expedition". That

may have been in response to a congressional hearing, you know, where I testified. I don't know. I can't honestly tell you where they got that.

Q He said in a written statement that the personal computer records requested by the OPM are not relevant to its investigation.

Do you know what written statement that is referring to?

A Attorneys wrote to -- yes, attorneys wrote that in a response to the OPM request.

Q Right. So would you -- but your attorneys wrote that?

A Yes.

Q And your attorneys wrote -- and it is paraphrasing, but you're disagreeing with that characterization of what they wrote, that the personal computer records requested by OPM were not relevant?

A Well, I'm not disputing that. I'm disputing the deleted from.

Q Right, but those are the ones requested by the OPM. The article says that they were copies of personal files that you deleted from your office computer and then the response -- and this just may be the way the reporter has written this. I understand that. I'm happy to resolve this if we can see that the letter that was sent -- it says that the personal computer records requested by the OPM were not relevant to the investigation, when the first paragraph of the article says that the personal files --

talks about the personal files that are deleted from the software -- deleted from your computer.

Mr. Orfanedes. I think we're getting hopelessly confused here. It is not clear what your question is, if there is a question.

Mr. Ausbrook. No. I've asked several questions. And the question -- I can tell you what they are again. If you want to go through them again, we can go through them again.

Mr. Orfanedes. Why don't you ask your questions one at a time? And again, please, we're going to give the court reporter a hard time if we speak over each other.

BY MR. AUSBROOK:

Q I asked whether -- you said that there weren't any personal files that you deleted from your office computer. The article refers to those deleted files from your -- and says that you -- that those files weren't relevant. And so I'm trying to figure out whether there were any deleted files or whether the deleted files simply weren't relevant.

Mr. Orfanedes. I object to the form of your question. It is compound, and it is incomprehensible.

Mr. Bloch. I don't know what this report is referring to. I can just tell you there were no files that were deleted. There were files that transferred to the thumb drive -- to the flash drive. They were not deleted as is implied by this and other articles, that there was some deletion. They were preserved. And

that was the whole point of the exercise, was to preserve and to prevent from loss files. But whatever files existed on the C drive that are now on the flash drive, they are not relevant.

BY MR. AUSBROOK:

Q Because they're personal records, is that why they are not relevant or --

A Well, those are personal. The PCIE government and sensitive documents -- law-enforcement sensitive aren't relevant, they're privileged; and then there is legally privileged files.

Mr. Ausbrook. Okay.

BY MR. CASTOR:

Q You had identified a couple of OSC staffers earlier today: Mr. Anderson, Mr. Sanchez?

A Yes.

Q Mr. Leung?

A Yes.

Q Are there any other OSC staffers that you can identify that would have facts relevant to the Geeks' matter?

A Well, I mentioned the other IT people, Fai and Larry, possibly would have been involved at one phase or another of the how are we going to solve this problem, you know, that I am having.

Q And if we speak with J.R. Sanchez, for example, is there any reason he wouldn't be a good person to speak with about these matters?

A I don't see any reason why. There wouldn't be a good reason.

Q Okay. And the same with Mr. Anderson?

A The same.

Q Is Mr. Leung still at the agency?

A Yes.

Q You had mentioned that there was an effort by you to conduct a significant review of agency directives.

A Uh-huh.

Q What was the thinking behind that mass review?

Mr. Orfanedes. I think that is well outside the scope of anything we are here to talk about today.

Mr. Castor. We're just following up on a statement he made earlier this morning.

Mr. Orfanedes. And I think it is well outside the scope of what we're here to talk about today.

Mr. Ausbrook. The records we were talking about earlier were the record retention directives, and this whole matter is about record retention and the ability to maintain the records, and so I think we're trying to find out what prompted the review of the policies regarding record keeping.

Mr. Bloch. That's fair. I mean, that is fair enough. The directives review had nothing to do with the retention of records specifically, but it was a general review. Because there were directives all over the place. People didn't know where all of

them were, how many had been superceded. There were too many of them. Things didn't, you know, really help anybody know anything. Nobody knew what the directives of the agency were, and it seemed to me to be a logical and an efficient and appropriate exercise to get them all shrunk down to a manageable level where everybody had them in a notebook, and that has actually been just accomplished.

BY MR. AUSBROOK:

Q And including electronic records and documents and those sorts of things that are the subject of today's --

A Yes. And how to -- files and things like that. But I don't think anything was radically changed with regard to what we're talking about. I don't think there was much of any change, maybe a shortening just so it is more readable and easier to follow, perhaps. But I don't know. I can't specifically say that occurred. I know that wasn't intended. I certainly -- nobody targeted that directive in particular.

BY MR. CASTOR:

Q And you don't know whether the limited personal use directive was part of that revamp?

A I don't think so. I think it is pretty much the same today as it was.

Q I guess, getting back to the records retention question, is your agency subject to the Federal Records Act?

A That is a question I cannot answer. I don't know. You'll have to ask my legal counsel and policy division people. I

know they have a specific way they retain files and official investigation records that go to St. Louis, someplace there, a bomb shelter or something.

[Discussion off the record.]

Mr. Bloch. Can we go off the record? He has to make a phone call.

Mr. Ausbrook. Off the record a second.

[Recess taken.]

BY MR. CASTOR:

Q When Wing Leung was working on your computer that Friday in November, I guess J.R. Sanchez stayed late with him?

A Yes.

Q What was the thinking behind having J.R. stay there?

A I don't know.

Q Was there any reason that your tech people, whether it is Wing or -- would be -- needed supervision from Mr. Sanchez?

A Not supervision. He is in my office among my papers, you know. I just -- I don't know who suggested it.

Q Okay.

A It seemed prudent.

Q Fair enough.

I guess you said earlier you don't remember the first time you heard the terminology seven level wipe. Maybe I can refresh your recollection. Do you ever recall being with some of your OSC staff at a DOD-related meeting where a seven level wipe was

discussed?

A Not that I'm aware of.

Q And is it that you don't necessarily recollect it or you can categorically rule out that didn't happen?

A I don't know what you mean, a DOD meeting regarding a seven level wipe. I don't even know what that means. What DOD meeting would I have had?

Q I don't know. I'm just asking if you --

A I don't -- I don't honestly remember any DOD meetings I've had other than I've been over to the Pentagon a couple of times with Secretary Hall on ceremonies or meetings relating to veteran matters, USERRA matters, signing of an ESGR statement. I don't recall having any DOD meetings that related to anything like you're talking about. But I had never heard the term before this computer problem surfaced.

Q Did you hear the term when it was in the newspaper or did you hear the term somewhere else?

A No. I heard it -- I'm saying when I first heard it was in '06 related to my computer problems. That was the first time I had ever heard it, and then I never heard it again until the articles came out.

Q And do you remember whether that was Pavel that used the term or the private individual that you had discussed?

A I think it was probably both, but I don't know for a fact. I can tell you categorically I didn't seek out seven level

wipe because I don't know what that is. I still don't know what that is.

Q I'm going to go back to one PCIE-related question, and I know maybe your counsel is going to object, and maybe you don't want to answer me. But just hear me out before you do that.

A Yes.

Q I was just -- you know, I understand that -- you said -- you're concerned that there is this ongoing investigation into you while, at the same time, you're responsible for an investigation of the White House or White House staff that is looking into the Hatch Act-related problems. And have you talked in the press about a potential conflict there?

A No. I've never brought that up. It has been brought up by others.

Q So you don't see a conflict?

A Of course not. I'm doing my official duties. The investigation of me relates to an allegation by a former employee.

Q Okay. And I think the newspaper articles seem to throw that out there. So I wanted to see if that was something that you were throwing out there.

A You know, they make a lot of stuff out of a lot of things. But I don't. I don't think they're related at all -- or they shouldn't be. Let me put it that way.

Q Fair enough. And excuse me. I mean, we read the newspaper articles, and this is the first time we had an

opportunity to talk with you, so we're just trying to understand the time line. Because the -- the OPM stuff happened prior to the Scott Jennings and the Hatch Act things, right?

A Prior to our getting a complaint about them, yes.

Q Right. As I was reading the newspaper article, I was trying to figure out how -- you know, there is this OPM matter and then -- you know, 2005, 2006 -- and then, you know, January, '07, the Scott Jennings -- you know, the famous meeting at GSA and then the Hatch Act unit that you had tasked. I was trying to unpack how -- you know, sort of that time line. So I think what you are saying is that is not your doing.

A No. And they shouldn't be paired. It is inappropriate, I think.

Mr. Castor. I think that's all I've got. Let me just -- that's all I've got. I think we're all good.

Mr. Leviss. I don't have any need for follow-up at this time. So I'd like to thank you, Mr. Bloch, for coming in today; and we appreciate your cooperation.

Ms. Amerling. I just want to thank you as well. You've been here for several hours now and through a number of different questions. You raised a handful of issues about privacy and scope, and the chairman will take those issues into consideration as we review the record.

Mr. Bloch. Thank you all very much.

[Whereupon, at 11:55 a.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name